

MONDAY, MARCH 1, 1999

TWELFTH LEGISLATIVE DAY

The House met at 5:00 p. m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Representative Fitzhugh.

Representative Fitzhugh led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present.....92

Representatives present were: Armstrong, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones U., Kent, Kernell, Kisber, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Arriola; illness.

Representative Kerr; business reasons.

Representative Langster; illness.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 195: Rep(s). Todd, Robinson, Caldwell, Ferguson, Whitson, Winningham, Pleasant, Kernell, Davis (Cocke), Cooper, Fitzhugh, Rinks, Cole (Dyer), Pinion, Walley, Kent, Cole (Carter), West, Bone, Patton, Ford, Bittle, Boyer, Miller, Brooks, Bowers, L. DeBerry, Towns, Stulce, Walker, Sharp, and Naifeh as prime sponsor(s).

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House Bill No. 205: Rep(s). Walley, L. DeBerry, McDaniel, Givens, Kisber, and Pleasant as prime sponsor(s).

House Bill No. 530: Rep(s). Bowers as prime sponsor(s).

House Bill No. 656: Rep(s). Bowers as prime sponsor(s).

House Bill No. 674: Rep(s). Towns as prime sponsor(s).

**REPORT OF CHIEF ENGROSSING CLERK
February 26, 1999**

The following bill(s) have been transmitted to the Governor for his action: House Joint Resolution(s) No(s). 76, 77, 78 and 106.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

***Senate Bill No. 7** -- Traffic Safety - Increases from six to 12 years age of children prohibited from riding in back of pickup trucks on state highways. Amends TCA 55-8-189. by *Cooper, *Rochelle, *Burks, *Kurita. (HB192 by *Kisber)

***Senate Bill No. 47** -- Traffic Safety - Requires driver and passenger of motorcycle, motorized bicycle or motor-driven cycle to wear "motorcycle helmet" instead of "crash helmet"; exempts persons 21 years old and older from such requirement. Amends TCA Section 55-9-302(a). by *Carter, *Miller J. (HB50 by *Phelan, *Walker (Rhea))

***Senate Bill No. 160** -- Election Laws - Revises voting procedures for residents in nursing homes in county of residence. Amends TCA Section 2-6-601. by *Henry, *Harper. (HB649 by *Harwell, *Jones, S., *West)

***Senate Bill No. 174** -- Public Records - Clarifies appropriate fee calculations for registrars relative to recording assignment and release of mortgage, deed of trust or other lien Amends TCA Section 8-21-1001. by *Fowler. (HB268 by *Sharp)

***Senate Bill No. 1166** -- Economic and Community Development - Provides for certain legislative representation on board of directors of certain central business improvement districts. Amends TCA Section 7-84-519. by *Ford J. (HB1431 by *Miller L)

CONSENT CALENDAR

***House Joint Resolution No. 21** -- Highway Signs - "Dr. Robert T. Tucker, Jr. Memorial Highway," portion of U.S. 45 in Madison County. by *Kisber, *McDaniel.

House Joint Resolution No. 110 -- Memorials, Public Service - Andrea Bouton, 1999 Prudential Spirit of Community Award finalist. by *Hargrove.

House Joint Resolution No. 111 -- Memorials, Professional Achievement - Fleetguard, Inc., receipt of Tennessee Quality awards. by *Hargrove.

***House Bill No. 291** -- Highway Signs - "Harold G. Blankenship Memorial Highway, S.R. 261 from Lafayette to state line. by *Buck, *Winningham. (SB869 by *Burks)

House Bill No. 1224 -- Gibson County - Subject to local approval, requires annual caucus meeting of all county commissioners in respective district to be held by road commissioner in each of five road districts to review points on and prioritize roads proposed for reconstruction. Amends Chapter 111 of the Private Acts of 1929. by *Phelan. (SB1619 by *Carter)

Senate Joint Resolution No. 84 -- Memorials, Retirement - Coach Bill Dupes. by *Kurita.

Senate Joint Resolution No. 85 -- Memorials, Public Service - Mayor Audrey LeRoy Chambers, Boy Scouts "Citizen of the Year.". by *Kurita.

Senate Joint Resolution No. 86 -- Memorials, Death - Dr. Bill Pierce. by *Herron.

Senate Joint Resolution No. 87 -- Memorials, Death - Herman Lentz "Bunny" Vogel. by *Herron.

Senate Joint Resolution No. 89 -- Memorials, Personal Achievement - Sue Jackson. by *Dixon, *Kyle, *Cohen.

Pursuant to **Rule No. 50**, Rep. Fitzhugh moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes	95
Noes	0

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Representatives voting aye were: Armstrong, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kisber, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

REGULAR CALENDAR

House Bill No. 195 -- Highway Signs - Names rest areas, weigh stations and welcome center on "Music Highway" (I-40 between Memphis and Nashville) in honor of various Tennessee musical artists and entities; provides for appropriate signage at such locations; urges department of tourist development to place at each such location graphic displays including information on area's musical heritage and specific artist or entity for which such location is named. by *Kisber, *McDaniel. (*SB57 by *Cohen, *Rochelle, *Kurita, *Springer, *Cooper, *Carter, *Ford J, *Dixon)

Rep. Kisber moved that House Bill No. 195 be passed on third and final consideration.

Rep. Robinson moved adoption of Transportation Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 195 by deleting Section 1 of the introduced bill in its entirety and by substituting instead the following:

SECTION 1. Notwithstanding any other provision of law to the contrary, the rest areas, weigh stations and welcome center located on the "Music Highway" (Interstate Highway 40 from the eastern boundary of Davidson County to the Mississippi River in Shelby County) are hereby designated as follows:

(1) eastbound rest area on I-40 in Dickson County -"Roy Acuff/Grand Ole Opry Rest Area";

(2) westbound rest area on I-40 in Dickson County -"Johnny Cash Rest Area";

(3) eastbound rest area on I-40 in Benton County - "Loretta Lynn Rest Area";

(4) westbound rest area on I-40 in Benton County -"Chet Atkins Rest Area";

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(5) eastbound parking area on I-40 in Henderson County - "Eddy Arnold Parking Area";

(6) westbound parking area on I-40 in Henderson County - "Al Green Parking Area";

(7) eastbound rest area on I-40 in Madison County - " Carl Perkins Rest Area";

(8) westbound rest area on I-40 in Madison County - " Tina Turner Rest Area";

(9) eastbound weigh station on I-40 in Haywood County - "Sam Phillips/Sun Studio Weigh Station";

(10) westbound weigh station on I-40 in Haywood County - "Booker T. and the MG's/Stax Records Weigh Station"; and

(11) eastbound welcome center on I-40 in Shelby County at Riverside Drive - Elvis Presley/B.B. King Welcome Center".

AND FURTHER AMEND by deleting from Section 5 of the introduced bill the language ", weigh station" wherever it appears.

AND FURTHER AMEND by adding the following as a new section immediately preceding the effective date section and by redesignating the effective date accordingly:

SECTION ____ The Department of Transportation is directed to include the "Music Highway" designation and the designations of other named highways and roads at appropriate locations on official Tennessee highway maps, when such inclusion is feasible.

On motion, Transportation Committee Amendment No. 1 was adopted.

Rep. Kisber moved that **House Bill No. 195**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes96
Noes0

Representatives voting aye were: Armstrong, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kisber, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odum, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

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A motion to reconsider was tabled.

***House Bill No. 205** -- Highway Signs - "Buford Pusser Highway," U.S. 64 in McNairy County, from the Hardeman County boundary eastward to Hardin County boundary. by *Rinks, *Naifeh. (SB1511 by *Wilder)

Rep. Rinks moved that **House Bill No. 205** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes96
Noes0

Representatives voting aye were: Armstrong, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kisber, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

BILLS WITHDRAWN

On motion of Rep. Hargrove, **House Bill No. 1832** was recalled from the State and Local Government Committee and withdrawn from the House.

On motion of Rep. McMillan, **House Bill No. 1617** was recalled from the Commerce Committee withdrawn from the House.

On motion of Rep. Wood, **House Bill No. 1635** was recalled from the Agriculture Committee and withdrawn from the House.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Resolution No. 9: Rep(s). McMillan as prime sponsor(s).

House Joint Resolution No. 64: Rep(s). McMillan as prime sponsor(s).

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House Bill No. 442: Rep(s). Sands as prime sponsor(s).

House Bill No. 496: Rep(s). Walker as prime sponsor(s).

House Bill No. 675: Rep(s). McMillan as prime sponsor(s).

House Bill No. 676: Rep(s). McMillan as prime sponsor(s).

House Bill No. 677: Rep(s). McMillan as prime sponsor(s).

House Bill No. 1321: Rep(s). Stulce as prime sponsor(s).

House Bill No. 1892: Rep(s). Harwell as prime sponsor(s).

MESSAGE FROM THE SENATE

March 1, 1999

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2, 15, 20 and 59; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

March 1, 1999

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 12, 202, 249, 292, 295, 312, 432, 490, 491 and 600; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENGROSSED BILLS

March 1, 1999

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 195, 205, 291 and 1224, also, House Joint Resolution(s) No(s) 21, 110 and 111.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

March 1, 1999

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 32 and 182; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

March 1, 1999

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 40; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Joint Resolution No. 40** -- Highway Signs - "Paul W. Barret Memorial Parkway," S.R. 385 in Shelby County. by *Wilder, *Leatherwood, *Person, *Kyle, *Dixon.

MESSAGE FROM THE SENATE

March 1, 1999

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 172, 173, 217, 258, 326, 339, 347, 359, 369 and 371; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Bill No. 172** -- Charitable Solicitations - Removes audited financial statement from documents required to be filed for renewal of registration for charitable organizations. Amends TCA Section 48-101-506. by *Fowler. (HB437 by *Wood)

***Senate Bill No. 173** -- Election Laws - Requires registrar of voters to make reasonable effort to redact voter's social security number from record before such record made available to third parties Amends TCA Section 2-2-127. by *Fowler. (HB269 by *Sharp)

***Senate Bill No. 217** -- Motor Vehicles - Deletes requirement that new motor vehicles be equipped with safety glass approved by commissioner of safety; deletes all other related provisions concerning safety glass. Amends TCA Sections 55-9-208 through 55-9-211. by *Haun. (HB1276 by *Sands, *White)

***Senate Bill No. 258** -- Insurance Companies, Agents, Brokers, Policies - Requires that every insurance policy for state citizens or residents be written in English. Amends TCA Title 56, Chapter 7, Part 1. by *Womack. (HB1260 by *Walker (Rhea), *Wood, *Gunnels, *Armstrong, *Sargent)

***Senate Bill No. 326** -- Fireworks - Allows sale of Class C common fireworks by previously licensed retailers when county's population grows to over 200,000. Amends TCA Section 68-104-112. by *Rochelle. (HB738 by *West)

***Senate Bill No. 339** -- Medical Occupations - Requires board of medical examiners and physician assistant committee to adopt regulations governing reviews of certain data on patients seen by physician assistants as well as governing the prescribing of certain legend drugs or controlled substances. Amends TCA Title 63, Chapter 19, Part 1. by *Rochelle, *Herron, *McNally, *Harper, *Dixon. (HB315 by *Caldwell, *Odom)

Senate Bill No. 347 -- TennCare - Requires comptroller to monitor, audit and periodically report on status of new HCBS waivers and waiver proposals by department of health. Amends TCA Title 68 and Title 71. by *Henry, *Harper. (*HB214 by *Arriola, *Armstrong)

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***Senate Bill No. 359** -- Teachers, Principals and School Personnel - Deletes references to "probationary teacher" to reflect removal of that position by 1998 statute. Amends TCA Title 49, Chapter 5, Parts 50 through 56 and Section 49-6-3004. by *Womack, *Dixon. (HB300 by *Maddox)

Senate Bill No. 369 -- Highway Signs - "Chattanooga African American Museum," Exit 1, I24. by *Crutchfield, *Harper, *Kyle, *Dixon. (*HB326 by *Brown, *Sharp, *Stulce, *Turner (Hamilton), *McAfee, *Wood, *Armstrong)

***Senate Bill No. 371** -- Insurance Companies, Agents, Brokers, Policies - Relieves reciprocal insurers from statutory requirement that insurer's principal place of business and primary offices and all original books be located in Tennessee if insurer's offices and records were located and maintained outside Tennessee prior to January 1, 1996. Amends TCA Title 56, Chapter 16, Part 3. by *Cooper. (HB431 by *Phelan, *Fraleigh)

CONSENT CALENDAR

March 1, 1999

The following local bills have been placed on the Consent Calendar for **March 4, 1999**: House Bill(s) No(s). 1566.

ROLL CALL

The roll call was taken with the following results:

Present.....96

Representatives present were: Armstrong, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kisber, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

RECESS MOTION

On motion on Rep. Hargrove, the House stood in recess until 9:00 a.m., Thursday, March 4, 1999.